

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

In re: ROSS E. BAKER)	
<u>Debtor</u>)	
)	CHAPTER 13
SANTANDER CONSUMER USA INC.)	
SUCCESSOR IN INTEREST TO)	Case No.: 18-17604 (MDC)
GATEWAY ONE LENDING & FINANCE,)	
LLC)	
<u>Moving Party</u>)	Hearing Date: 12-15-20 at 10:30 AM
)	
v.)	11 U.S.C. 362
)	
ROSS E. BAKER)	11 U.S.C. 1301
MEAGHAN BAKER)	
<u>Respondent</u>)	
)	
WILLIAM C. MILLER)	
<u>Trustee</u>)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Santander Consumer USA, Inc., successor in interest to Gateway One Lending & Finance, LLC (“Santander”) filing this its Motion For Relief From The Automatic Stay And Co-Debtor Stay (“Motion”), and in support thereof, would respectfully show:

1. That on November 15, 2018, Ross E. Baker filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361, 362, 1301, and 28 U.S.C. 157 and 1334.
3. On November 10, 2014, the debtor and the co-debtor Meaghan Baker entered into a retail installment contract for the purchase of a 2013 Chrysler Town & Country bearing vehicle identification number 2C4RC1BG4DR696713. The contract was assigned to Gateway One Lending & Finance and the Debtor became indebted to Gateway One in accordance with the terms of same. Gateway One Lending & Finance, LLC is designated as first lien holder on the title to the vehicle and holds a first purchase money security interest in the vehicle. A true copy

of the contract and title inquiry to the vehicle are annexed hereto as Exhibits A and B.

Santander Consumer USA Inc. acquired the account from Gateway One.

4. As of November 12, 2020, the debtor's account with Santander had a net loan balance of \$27,146.88.

5. According to the November 2020 NADA Official Used Car Guide, the vehicle has a current retail value of \$8,475.00.

6. The debtor's account is past due post-petition from November 24, 2018 to October 24, 2020 with arrears in the amount of \$8,902.80.

7. Santander Consumer USA Inc. dba Chrysler Capital alleges that the automatic stay and co-debtor stay should be lifted for cause under 11 U.S.C. 362(d)(1) and 1301 in that Santander lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) The debtor is failing to make payments to Santander and is failing to provide Santander with adequate protection.

WHEREFORE PREMISES CONSIDERED, Santander Consumer USA Inc., successor in interest to Gateway One Lending & Finance, LLC respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to Santander to permit Santander to seek its statutory and other available remedies; (2) that the co-debtor stay will be terminated as to Santander to permit Santander to seek its statutory and other available remedies; (3) that the stay and co-debtor stay terminate upon entry of this Order pursuant to the authority granted by Fed.R.Bank.P., Rule 4001(a)(3) and (4) Santander be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

William E. Craig

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